

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2325

THIS DOCUMENT RELATES TO THE CASES LISTED ON EXHIBIT A

MEMORANDUM OPINION AND ORDER

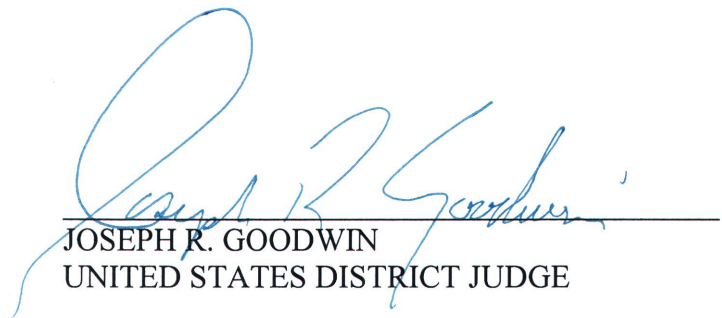
The cases identified on Exhibit A attached hereto involve plaintiffs who failed to appear at a Mandatory Status Conference or adequately show cause as to why their case should not be dismissed as ordered in MDL 2:12-md-2325 and in each individual case on Exhibit A. *See* 2:12-md-2325, Pretrial Order ("PTO") # 268. On October 17, 2018, the court entered an Order in the main MDL and each case on Exhibit A directing certain plaintiffs who have alleged claims against American Medical Systems, Inc. or Astora Women's Health, LLC (collectively "AMS") to appear in person at the Robert C. Byrd United States Courthouse for a Mandatory Status Conference scheduled on December 5-7, 2018 *See* PTO # 265.

The plaintiffs on Exhibit A neither appeared at the Mandatory Status Conference nor adequately showed cause as to why their case should not be dismissed in response to this court's AMS Show Cause Order entered on December 11, 2018 in each individual case. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the cases on Exhibit A should be dismissed with prejudice for failure to attend the court's Mandatory Status Conference and to adequately show cause as to why their case should not be dismissed, as ordered in the court's Show Cause Order.

Therefore, the court **ORDERS** that the pending cases listed on Exhibit A are **DISMISSED WITH PREJUDICE** and **STRICKEN** from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party in every case on Exhibit A.

ENTER: April 1, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Case Number	Case Name
2:13-cv-21175	Ybarra v. American Medical Systems, Inc.
2:13-cv-15664	Whatley v. American Medical Systems, Inc.